

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
RECEIVED NORTHERN DIVISION

WILLIE FATE JONES, -b A 10:09)
PEBRA P. HACKETT, Clerk) Civil Action No. 2:06cv300-MHT(WO)
PETITIONER, U.S. DISTRICT COURT)
MIDDLE DISTRICT ALA)
vs.)
UNITED STATES OF AMERICA,)
RESPONDENT,)
/

RESPONSE TO THE MAGISTRATE JUDGE RECOMMENDATION

NOW COMES THE DEFENDANT WILLIE FATE JONES, pro se without the assistance of trained professional counsel and citing Haines v. Kerner, 404 US 519, 390 L.Ed.2d 652, 92 S.Ct. 594; respectfully moves this Honorable Court to hear his instant motion and rule accordingly.

BACKGROUND

On March 26, 2006 this petitioner filed a 28 U.S.C. 2255 motion with this honorable court. However, the following has transpired since that initial filing.

A. The U.S. Magistrate Judge made a ruling on the 12th day of February 2008, stating that this petitioner had the right to file and ask for counsel to be appointed if he could not afford one.

B. That petitioner had until February 25, 2008 to file any objections to the Magistrate Judge Recommendation.

Notwithstanding, this petitioner would like to make this Honorable court aware of the following:

1. Petitioner did not receive this ruling until February 28, 2008, because the Bureau of Prisons has transferred him to Federal Prison Camp, Montgomery, AL. and the notice of this court's recommendation was mailed to petitioner's prior place of incarceration FCI Yazoo City, Yazoo City, MS a Bureau of Prison facility.

2. Petitioner would request that this honorable court extend the deadline for filing an response on his behalf for at least 30 days due to the late receipt of the motion.

3. Petitioner would ask that this Honorable court appoint counsel to represent him in his filing for appeal of his initial conviction as he cannot financially afford to hire counsel.

Wherefore, for the following reasons, petitioner would ask that his motion be granted and this court rule accordingly.

Respectfully submitted this 29th day of February, 2008.

Willie Fate Jones
WILLIE FATE JONES, pro se
REG. NO. 11440-002
FEDERAL PRISON CAMP
MONTGOMERY, AL 36112

CERTIFICATE OF SERVICE

I certify that under perjury and penalty of law that a true and foregoing copy of this motion has been placed in the inmate legal mail box with correct postage affixed and addressed to the following:

U.S. ATTORNEY'S OFFICE
MIDDLE DISTRICT OF ALABAMA
131 CLAYTON STREET
MONTGOMERY, AL 36104

Respectfully submitted this 29th day of February, 2008.

Willie Fate Jones
WILLIE FATE JONES, pro se
REG. NO. 11440-002
FEDERAL PRISON CAMP
MONTGOMERY, AL 36112

WILLIE FATE JONES
REG. NO. 11440-002
FEDERAL PRISON CAMP
MONTGOMERY, AL 36112

MONTGOMERY, AL 36112
05 MAR 2008 PM 4 L



CLERK OF COURT
U.S. DISTRICT COURT
P.O. BOX 711
MONTGOMERY, AL 36101

36101+0711

11111111111111111111111111111111